App F IX 4

Previous References
Rev 310-32, 1-3

Later References
Rev 121-35-144

Permanent

1932-33 (Rev)

File No 310-32
Serial Nos ~~4, 5, 6~~ 4, 5, 5A & 6

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos Three

Part B for June 1934

SUBJECT

Procedure to be adopted in regard to works in the B'lore Cy with effect from 1934-35 re. the grouping of the rural roads & each class separately and include it every year in the budget.

Srl 6) No. L 8485 dy 28-5-34
To the Revl Commr. B Cy. Bangalore through the Dpty. Bangalore Cy.
2do. Copy of letter No. L 4928 dy 4-1-34 addressed to the Comptroller to Govt re. above
No. L 5486-7 dy 28-5-34
Copies of the above to Comptroller and Chief Engr. in Mysore

R. R. 21.6.34

[App F III—2

File No 310 of 1932-33

Serial No

From the Comptroller to Govt —
no 2 D D 110 dated 25-9-33
Brings to the notice of Govt that the relaxation permitted in letter no 2 11957 Rl 310-32-3 dated 12-8-33 is contrary to the provision of the city muns regn 1933 (sec 41 (5)) & suggests the adoption in entirety of the system in vogue in the P. W. D. for reasons given

9 The instructions conveyed in this office letter no 2-11957 Rl 310-32-3 dated 12th August 1933 to the President, myssre city require to be modified in view of the imperative directions contained in sec 41 (5) of the Mysore city muns regn, 1933

In regard to para 2 of the D W's the opinion of the Chief Engr & of the President, myssre city Rl be of that H. L. Comr, Bloreciy may perhaps be called for & suitable orders.

From
3/10/33

Forwarded with compliments re D'Souza's letter to Chief Engineer for favour of remarks

By order,
for Chief Secretary

Dr 714/33
7-10-33

6/10 33

FFE—Contn Sheet

WD 0246 —GPB—15 000—22-8-32

File No 370 of 1932-33 General and Revenue Secretariat

5 Returned with compliments.

2. The roads in the Mysore City may be classified under 5 different heads as under -

1st Class Roads - Such as wide thoroughfares treated with tar.

2nd class Roads.- Same as above but not treated with tar.

3rd class Roads - Metalled roads of smaller - width in busy centres.

4th class Roads - Same as above but in less - busy centres.

5th class Roads - Lanes and bye-lanes metalled or gravelled.

The Municipality may be asked to fix mileage - grant for each class and the several roads grouped under the five heads referred to above.

When this is done, the work may be regulated according to fixed allotments and there will be no necessity to call for tenders.

CHIEF ENGINEER OF MYSORE.

No. 33

Chief Secretary to Govt. I appears doubtful if the above proposals satisfy the provisions of Sec 41(5) of the City Municipalities Regulations quoted out by the Comptroller in para 1 of his letter

Yr favour of opinion

Asst Secy consulted with Comptr

14/10

Serial No

1 Under sec 41(5) of the City Municipalities Regulation, no contract for the execution of any work involving an expenditure exceeding Rs 500/- can be entered into, unless tenders are publicly invited from persons willing to enter into such contract. It is therefore not legally possible to avoid calling for tenders in such cases.

1648 / Law

2 This provision, viz cl(5) of sec 41) is read and is not to be found either in the Bombay or the Madras Acts. The section does not however compel the M' C' to accept the highest or any tender. It may publicly invite ~~the~~ tenders and then without accepting any of them give the work ~~to~~ on contract to an experienced contractor.

A

Asst Secy Legl
with Compts

Dy
31/10/33

3 Forwarded with Compliments and Recds to the Chief Engineer for favor of further remarks with reference to the above

Genl 92-33
31-11-33.

By order
Ajeevarao
For Chief Secy to Govt

1.11.33

4 I have no objection to the course proposed at A above in case there is legal difficulty. Short early action may be taken to amend the Regulation so that Road repairs may be excluded from the operation of the section at the discretion of the Chief Secretary

WD no 164
2/11/33

Mils Ramaiya
2.11.33

(with compts)

NOTE—Contn Sheet

RS
5/11/33

Dy
1104/11/33 A

WD 70—GBNP—3 000—13 8.31

1392

File No 310 of 193 — General and Revenue Secretariat 33

14 Submd for orders with refce to paras 9, 11 & 12 supra

fsa 7. 11.33 AW

15. A suitable draft in accordance with the Opinions of the Chief Engr & the Law Secretary may be submd for consideration

fsa 10/4

16 The question was further examined with reference to the suggestion made by the Chief Engineer in the previous para (at A) & about the amendment to the Regulations so as to give certain discretionary powers to the Municipal Council

17 It is found from sub section (9) of sec 41 of the City Rules Regulations that the provisions of the said section shall be subject to the provisions of Chapters XIII & XIV of the Regulations re appointment, powers, duties & functions of Chief Officer of the Corp respectively

18 Under sec 214 (2) of the regulations, the President of a municipality where there is neither a chief officer or a municipal Comr. (e.g. myore city) can exercise all the powers exercised by a Municipal Commissioner in the municipality under sec 253 (2) & (3) of the City Rules regulations relating to the inviting

Serial No

of tenders for contracts involving
expenditure exceeding Rs 5000/-, the President who exercises all
the powers of a Municipal Council(1), may
accept or reject all the tenders and may
when authorised by the municipal council
in writing, enter into contract without
inviting tenders as provided in the section
19 On the light of the above provisions
it seems that the order conveyed to
the President in this office letter
Ref. Q No L1195/ mc 310-32-3 dt 12-8-32 (Ref. Q)
wholly
would not be proving, provided the
municipal council authorises the President
under sec 25-3 (3) to enter into a contract
without inviting tenders. There is no
20 necessity to refer the regulation to
the Law section may perhaps be
consulted again in the matter

Law Secy
20/11/33 AW (Law Secy Wor Cauvs) 23/11

21 It is no doubt true that Subsec (2) of sec 41
of the City M.C. Regn makes that section subject
to the provisions of chapter XIV. But subsec (3) of
sec 25 occurring in this chapter says that the
M.C. may authorise in the matter. but "Subject
to the provisions of sec 41" These words were not

NOTE—Contn. Sheet

File No. 310 of 1933 — General and Revenue Secretariat

in the corresponding section, Sec 186P of the 1906 Regulation. Why they were introduced is rather hard to make out. They seem to practically nullify the effect of sec 253(3) itself.

2. Since all these sections have to be read together & interpreted in a way to avoid conflict or inconsistency, if possible, I think "Subject to the provisions of sec 41" in sec 253(3) must be read so as to refer to ~~the~~ the ~~other~~ provisions other than Cl (5) relating to tenders. In this view, it will be sufficient if the M'C authorise the M' Corn to enter into Contracts regarding road repairs without inviting tenders.

Asst Secy Law with Comts — 11/12/33 — 215 Law

25 Please put up a draft — 14/12

24 Subd with a draft letter to the Comptroller for consideration. It will be typed for the fair subn to the Chief Secy

14/12/33 — typed see fair subn to the Chief Secy — Yes — 18/12 — Typ Sec to C 15/12

25 Typed draft is put up for approval

19/12/33 — Chief Secy through the Asst Secy Law Section — 21/12

TYPING SECTION 19 DEC. 1933 GENL & REV SECT

Chief Secy — 23/12

1392 / 392

General and Revenue Secretariat — Nil — File No 310 of 1932-33 — [App F III—2

Serial No

27 Draft is Sal's for perusal before 1 Sec

DEWAN'S OFFICE 4093 23 DEC. 1933

Dewan

23/12

28/12

GENERAL & REVENUE SECTION 17 DEC 1933 SECTT

23-12-33

27 Issued 26/1

To the Comptroller to Govt no L 4928 dated 4-1-34 forwards a reply to the two points raised by him in his L of even date

To the President Myso and Chief Engineer in Myso L 4929-30 Dy 4-1-34 forwards for information a copy of the L

3. 5/1/34

NOTE—Contn Sheet

WD 0434—GPB—15 000—12-10-33

1392 V 4852/1

File No 310 of 1932-33

General and Revenue Secretariat

Serial No

From

The Comptroller & Govt
no 3457-L.A.D dated 28/4/34
Repass that the procedure
prescribed in G.O. supra may be
made applicable to Bangalore
instructions issued accordingly to
the Mc Comr, Bangalore city
Submitted with draft letter
to the Municipal Comrs Bangalore city
according for approval and that
orders.

Secy
2/5/34

3/ The Chief Engineer may be
requested to advise whether introduction
of the procedure referred to may be adopted
in the Bangalore city also

4/5

Chiefsecy
3.2.34
5/5/34

4 MAY 1934

To forwarded with compliments
with reference to the Chief Engineer in
Memo for favour of opinion in the
matter.

By order
Asstt
Dy Chiefsecy to Govt

Memo no 225-33
dt 7-5-34.

Asstt
8/5/34

Br 11

10
25

485

General and Revenue Secretariat — File No 310 of 1932-33 [App. F. III—2

Serial No	
no PWD 411/33-34 9/5/34	4 The procedure referred to may certainly be adopted with advantage in Bangalore city also. Mch Rangaiya 9/5/34
DEWA[illegible] OFFICE 18 MAY 1934 No 7376	
CHIEF SECRETARY 9 MAY 1934 RR 12/5/34	Chief Secretary with Compliments)
	5 The draft letter may be appd Chf Secy) Asst 14/5
CHIEF SECRETARY 14 MAY 1934	
	II nd Memo to Dewan RR 16/5/34 Ay
7760 17/5/34	
	Dewan 18/5
	MS 18-5-34
TYPIST * 21 MAY 1934 * GENL & R[illegible] SECTT	RR 21/5/34
6.	To the municipal comr Municipal Issue no 2 84-85 Dt 28-5-34 Ay 24/5 Dt a copy of letter dated 4-1-34 and request him to adopt the item procedure in respect of road work in Municipalities also from 1934-35
	To the comptroller & the Chief Engr no 2 84 86-7 Dt 28-5-34 Dt a copy of the G.O. for compli

NOTE—Contn Sheet

WD 0434—GPB—15 000—12-10-33

Dgm 2/6/34

File No of 193

	Serial No.

Ml 310-32-4

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No LAD.110. *Bangalore, dated* 15th September 1933

1392

From

M VENKATESA IYENGAR, Esq., MA
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

GEN. & REV. SEC., 18 SEPT. 1933 L.S.G.A.

To

R.Ranga Rao, Esq., B.A., B.L.,
Chief Secretary to the Government of Mysore,
Bangalore.

Sir,

With reference to your Memo No.1196 dated 12th August 1933, forwarding copy of letter No.L.1195/Ml.310-32-3 dated 12th August 1933 to the President, City Municipal Council, Mysore re the application of Tender System to Road Estimates of Rs.5,000 and above, I have the honour to state that the relaxation permitted is contrary to the provision of the City Municipalities Regulation of 1933 in force from 1-8-1933 (vide Section 41-(5) on Page 31 of the Regulation) which requires that tenders should be invited in all cases ~~which requires that~~ involving an expenditure exceeding Rs.500/

It may also be brought to notice that the system adopted in the Municipalities differs from that followed in the Government Public Works Department in the following ways.

In the P.W.Department there are two kinds of Road Repairs: Ordinary or annual repairs and special repairs. The ordinary repair grant is based on Mileage allotment fixed for each road, and there are definite instructions as to how the allotment should be utilized (vide rules relating to preparation of estimates and execution of repairs of roads as laid down in the Road Manual Page 3 to 7). There is no allotment of this kind in the Municipalities nor is there separate Budget provision for ordinary repairs and for Special repairs. Allotment by roads and separation of provision for ordinary repairs and special repairs seems desirable in big Municipalities where the amount spent on public works is large.

I have the honor to be,
Sir,
Your most obedient servant,

M. Venkatesaiyengar

Comptroller.

U.

To 4928/ Ml 310-32-3 dt 1-34

The Comptroller to Government,

Bangalore.

Sir,

With reference to your letter No.LAD.110 dated the 15th September 1933 pointing out that the relaxation permitted in this office letter No.L.1195/Ml.310-32-3 dated 12th August 1933, regarding the application of the tender system to road estimates of Rs.5,000/- and above is contrary to the provisions of the City Municipalities Regulation, 1933, I am directed to state that the provision in Sub-section (9) of Section 41 thereof is subject to the provisions of Chapter XIV and that under Sub Section (3) of Section 253, the Municipal Council may authorise the President, who can in this case exercise under Section 24(2) of the Regulation all the powers of a Municipal Commissioner, to enter into ~~xxxxxxxx~~ contracts without inviting tenders as provided for in Section 41. The attention of the President, Mysore City Municipal Council, will be invited to the aforesaid sections and he will be instructed to get the necessary authority from the Municipal Council to ~~xx~~ enable him to enter into contracts in respect of road repairs without inviting tenders, in accordance with the orders conveyed in this office letter dated 12th August 1933.

2. In regard to para 2 of your letter under reply, I am to add that the Chief Engineer who was consulted in the matter has suggested the classification of the roads in the Mysore City under five different heads as follows~~xx~~ so that the work may be regulated according to fixed allotments and

and the necessity to call for tenders thus avoided.

1st Class Roads.-Such as wide thoroughfares treated with tar.

2nd Class Roads:-Same as above but not treated with tar.

3rd Class Roads.-Metalled roads of smaller width in busy centres.

4th Class Roads.- Same as above but in less busy centres.

5th Class Roads -Lanes and by-lanes metalled or gravelled.

The above suggestion will be communicated to the President, Mysore City Municipal Council, and he will be requested to group the several roads under the above heads and fix the mileage grant for each class separately in the budget.

I have the honour to be,
Sir,
Your most obedient servant,

Chief Secretary to Government.

Memo No. L 4929-30

Copy to the President, Mysore City Municipal Council with compliments for information and necessary action as indicated therein.

By Order,

For Chief Secretary to Govt.

Memo No. L 4929-30 Dated, Bangalore the

Copy to the Chief Engineer in Mysore for information with reference to his Unofficial Note No.161 dated 2nd/4th November 1933.

By Order,

For Chief Secretary to Government

xG.PR

Ml310-32-5A 4852

OFFICE OF THE COMPTROLLER TO THE GOVERNMENT
OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No 345 LAD

Bangalore, dated 18th April ---- *1934*

From

M VENKATESA IYENGAR, Esq., MA
Comptroller to the Government of
His Highness the Maharaja of Mysore,
Bangalore

To

R. Ranga Rao, Esq., B.A., B L.,
Chief Secretary to the Govt. of Mysore,
Bangalore.

CHIEF SEC. 19 APR 1934

GEN. & L.A.D. BRANCH 23 APR 1934 L.S.G. BRANCH

Sir,

With reference to para 2 of your letter No.L.4928 Ml.310-32-5 dated 4th January 1934, stating that the President, Mysore City Municipal Council would be requested to group the several roads under certain heads and fix the mileage grant for roads of each class separately and include it every year in the budget, I have the honor to state that the position as regards roads works in the Bangalore City Municipality is also the same and to suggest that the procedure prescribed for the Mysore Municipality may be made applicable to Bangalore also. If Government approve, necessary instructions may kindly be caused to be issued to the Municipal Commissioner, Bangalore City Municipality, in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

M Venkatesa Iyengar
For Comptroller. absent from Head Quarters

MSR

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *193*

Date of issue 28-5-34

Signed by Hrs A V.R

Hap/4

List of enclosures

Copied by

Examined by

Section Jul

File No 310-32

Serial No 6

No L8485 Enclose

To

The Municipal Commissr

(Thro the President)

Bangalore city

Sir,

I am directed to forward herewith a copy of this Dee letter no L4928 / ML. 310-32-5 dated the 4th January 1934 addressed to the Corporation to the effect that the President, Bangalore city Mpl. would be requested to group in the city the several roads under certain heads and fix the

WD 0677—GPB—15 000—8 11 33

mileage grant for roads
of each class separately
and include it every year in
the budget and to request
that the same procedure
may be adopted in regard to
road works in the Bangalore
City also with effect from 1934-35

I have etc

Chief Engineer
for Secy

Memo no L 8486-7 dt 28-5-34
copy to the (1) Comptroller with
Compliments for information
with reference to his letter no
345/LDA dated 18th April 1934
(2) Chief Engineer with Memo
for info

B. O.

for Chief Engineer
for Secy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 8485/Rl 310-32-6 Bangalore, Dated, 25th May 1934. 193

Enclosure

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore*

To

The Municipal Commissioner,
Bangalore City Municipality.

Through

The President,
Sir, Bangalore City.

I am directed to forward herewith a copy of this office letter No.L.4928/Rl. 310-32-5 dated the 4th January 1934 addressed to the Comptroller to Government to the effect that the President, Mysore City Municipal Council would be requested to group the several roads in the City under certain heads and fix the mileage grant for roads of each class separately and include it every year in the budget and to request that the same procedure may be adopted in regard to road works in the Bangalore City also with effect from 1934-35.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/- R. Ranga Rao,
Chief Secretary to Government.

Memo No. L 8486-7

Dated, Bangalore, 25th May 1934.

Copy of the above is forwarded with compliments to the Comptroller for information with reference to his letter No. 3465/L&D dated 28th April 1934 to the Chief Engineer in Mysore.

By order,

for Sd/ A. Venkata Rao

For Chief Secretary to Government.

ACH.4.